



California Regional Water Quality Control Board Central Valley Region

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28 July 2008

APPROVED

Staff

Senior

CERTIFIED MAIL
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Mr. Nick Zaninovich
Nevada County Department of Transportation and Sanitation
950 Maidu Avenue
Nevada City, CA 95959

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0553 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, NEVADA COUNTY SANITATION DISTRICT NO. 1, LAKE OF THE PINES WASTEWATER TREATMENT PLANT, NEVADA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements (WDRs) Order Nos. 95-114 and R5-2002-0095 (NPDES No. CA0081612) by the Lake of the Pines Wastewater Treatment Plant (Discharger). The Complaint charges the Discharger with civil liability in the amount of **one hundred twenty-nine thousand dollars (\$129,000)**, for Mandatory Minimum Penalties for effluent limitation violations which occurred from 1 January 2000 through 31 March 2008.

On 16 November 2007, Regional Water Board staff sent the Discharger a draft Record of Violations (ROV) for the period of 1 January 2000 through 31 July 2007. On 26 June 2008, the Discharger was sent an updated ROV that extended the period of review through 30 April 2008. On 9 July 2008, the Discharger provided comments. This Complaint incorporates the Discharger's commentary noting one duplicate violation, and reduces the violation count by one.

The 16 November 2007 ROV noted that Regional Water Board staff believed Lake of the Pines to be a small community with a financial hardship. On 18 July 2008, Regional Water Board staff requested that State Water Board economic staff evaluate Lake of the Pines for compliance with the criteria for a small community with a financial hardship. One of the necessary criteria is that the median household income must be below 80% of the median household income for the State of California. State Water Board staff utilized information from the 2000 U.S. census to determine that Lake of the Pines is not a small community with a financial hardship because the median household income exceeds the California median household income. Therefore, this ACL Complaint does not allow the assessed penalty to be applied to a compliance project.

California Environmental Protection Agency

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Regional Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **27 August 2008**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Regional Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting it to this office by **27 August 2008; or**
- Contest the Complaint and/or enter into settlement discussions with the Regional Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Barry Hilton. Should the Regional Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint.

If the Regional Water Board does not receive a waiver and a check for the full amount within 30 days of the date of this Complaint (**by 27 August 2008**), then a hearing will be scheduled for the **23/24 October 2008** Regional Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 27 August 2008**. This includes material submitted by the discharger to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Regional Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 27 August 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 445-4623.

WENDY WYELS
Environmental Program Manager
Compliance and Enforcement Section

Enclosure: ACLC No. R5-2008-0553

cc w/encl: Ms. Pamela Creedon, Executive Officer
Dan Radulescu, CVRWQCB, Rancho Cordova
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Nevada County Department of Environmental Health, Nevada City
Mr. Bill Jennings, California Sport Fishing Protection Alliance, Stockton